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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,898	12/21/2006	Gert Anders	2003P12785WOUS	2978
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SIEMENS CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN, NJ 08830			JIANG, CHARLES C	
ART UNIT	PAPER NUMBER			
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/572,898	<b>Applicant(s)</b> ANDERS ET AL.
	<b>Examiner</b> CHARLES C. JIANG	<b>Art Unit</b> 2416

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 August 2009.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 15,18-21 and 24-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 15,18-21 and 24-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed 08/04/2009 have been fully considered but they are not persuasive.
2. The Applicant basically argues two points with respect to claim 15. First, the Applicant argues the Daffner reference is not analogous art.
3. In response to applicant's argument that Daffner US 2002/0120671 is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).
4. In this case, as the applicant has pointed out, Daffner provides information about facilities, which can be a kind of service. Although Daffner does not provide web services, the applicant failed to distinguish Daffner from his invention, because claim 1 as currently amended, is silent on the types of services, such as web services. Unless such specific type of services are claimed, Daffner is analogous art.
5. Furthermore, this argument is moot because claim 15 is currently rejected under 35 U.S.C. 103(a) as unpatentable of Daffner in view of Dutta, US 2002/0124056 and Dutta teaches web services (Dutta, Fig. 4, Element 402, web server and Element 406, search engine)

6. Secondly, the applicant argues with respect to claim 15, that Daffner fails to teach a service access unit that serves as a client, a server and a search engine.
7. However, the applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Response to Amendment***

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 15, 21 and 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.
10. Claims 15, 21 and 28 all recite "the service access unit further comprising a search engine for searching the central register database." However, this is not supported by the disclosure. It can only be said that Figure 4 of the drawings and Paragraph 28 of the specification teaches the service access unit sending a query to a remote search engine. The service access unit itself does not include or possess a search engine.
11. Claims 18-20 depend on claim 15, thus are rejected for the same reason.
12. Claims 24-27 depend on claim 21, thus are rejected for the same reason.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. Claims 15, 18-21, 24-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daffner, US2002/0120671 in view of Dutta, US 2002/0124056.

16. As per claim 15, Daffner teaches a system for using services provided by a communication network (Daffner, Fig. 1, Elements 1, 8 and PSTN/Internet, Paragraphs 5, 7-10), the system comprising: a communication network (Daffner, Fig. 1, Element, PSTN/Internet) having internet mechanisms (Daffner, Fig. 1, Element, PSTN/Internet) ... at least one automation system (Daffner, Fig. 1, Elements 1-7 represent the automation system, Paragraphs 41 and 42) having automation components (Daffner, Fig. 1, Elements 2, 3, ,4 represent the automation components, Paragraphs 41) connected by a conventional field bus (Daffner, Fig. 1, Element 5, Paragraph 41), the automation components lacking internet mechanisms (Daffner, Paragraphs 10, 11, and 42,

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components 2, 3 and 4 are heat sensors and do not have ability to go on-line); and a service access unit operative as one element of the automation system (Daffner, Fig. 1, Element 7, Paragraph 42), the service access unit (previously discussed) ... the service access unit further including a protocol converter for adapting a first communication protocol used by the services to a second communication protocol used by the field bus (Daffner, Paragraphs 8-10 and 42), thereby permitting the automation components to access internet mechanisms of the communications network (Daffner, Fig. 1, Elements 1 and 7, Paragraph 42-47, data retrieved from Elements 2-4 are forwarded to Elements 8, 9); ...

17. Daffner does not teach ... and a central register database for providing information about the services provided by the communication network; ... for connecting the conventional field bus to the communication network, wherein the service access unit operates as a client for requesting the services from the communication network and operates as a server for providing services in the communication network, ... the service access unit further comprising a search engine for searching the central register database.

18. However, Dutta teaches ... and a central register database for providing information about the services provided by the communication network (Dutta, Fig. 4, Element 406 and 408, Paragraph 37, the search engine database is the central register database for providing information about services); ... for connecting the conventional field bus to the communication network (Dutta, Fig. 2, Element 218 and 220 connects field bus, Element 212 to a network shown in Fig. 1, Element 102, Paragraph 22, see

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also, Paragraph 37 for proxy server), wherein the service access unit operates as a client for requesting the services from the communication network (Dutta, Fig. 4, Element 404, 406 and 402, when the proxy server request information from the web server and the search engine, the proxy server is acting as a client) and operates as a server for providing services in the communication network (Dutta, Fig. 4, Element 404 and 406, when the proxy server responds to home page reader's requests, the proxy server is acting as a server), ... the service access unit further comprising a search engine for searching the central register database (Dutta, Fig. 4, Element 404 and 406, Paragraph 37).

19. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the teachings of Dutta into Daffner. Daffner teaches a service access unit and Dutta also teaches a service access unit, specifically a proxy server to provide better security (Dutta, Paragraph 35, hacker prevention) in the analogous art of computer networking.

20. As per claim 18, Daffner and Dutta teach the system according to claim 15, wherein the services are web services (Dutta, Fig. 4, Element Web page/URL).

21. As per claim 19, Daffner and Dutta teach the system according to claim 15, wherein the communication network is an intranet (Dutta, Paragraph 20).

22. As per claim 20, Daffner and Dutta teach the system according to claim 15, wherein the service access unit provides further services in the communication network (Dutta, Paragraph 36).

23. As per claim 21, Daffner teaches a method for using services provided in at least one communication network (Daffner, Fig. 1, Elements 1, 8 and PSTN/Internet, Paragraphs 5, 7-10) having internet mechanisms (Daffner, Fig. 1, Element, PSTN/Internet) and at least one automation system (Daffner, Fig. 1, Elements 1-7 represent the automation system, Paragraphs 41 and 42) comprising automation components (Daffner, Fig. 1, Elements 2, 3, ,4 represent the automation components, Paragraphs 41) connected by a conventional field bus Daffner, Fig. 1, Element 5, Paragraph 41), the method comprising: connecting the conventional field bus to the communication network by a service access unit (Daffner, Fig. 1, Elements 1, 5 and 7, Paragraph 42), the automation components lacking internet mechanisms (Daffner, Paragraphs 10, 11, and 42, components 2, 3 and 4 are heat sensors and do not have ability to go on-line) ... the service access unit operative as one element of the automation (Daffner, Fig. 1, Element 7, Paragraph 42) adapting a first communication protocol used by the services to a second communication protocol used by the field bus by a protocol converter included in the service access unit (Daffner, Paragraphs 8-10 and 42), thereby permitting the automation components to access internet mechanisms of the communications network (Daffner, Fig. 1, Elements 1 and 7, Paragraph 42-47, data retrieved from Elements 2-4 are forwarded to Elements 8, 9); ...

24. Daffner does not teach ... and the communication network having a central register database for providing information about the services provided by the communication network, ... and accessing the services by the automation components using the service access unit as a client wherein the service access unit operates as a

server for providing services in the communication network, the service access unit comprising a search engine for searching the central register database.

25. However, Dutta teaches ... and the communication network having a central register database for providing information about the services provided by the communication network (Dutta, Fig. 4, Element 406 and 408, Paragraph 37, the search engine database is the central register database for providing information about services), ... and accessing the services by the automation components using the service access unit as a client (Dutta, Fig. 4, Element 404, 406 and 402, when the proxy server request information from the web server and the search engine, the proxy server is acting as a client) wherein the service access unit operates as a server for providing services in the communication network (Dutta, Fig. 4, Element 404 and 406, when the proxy server responds to home page reader's requests, the proxy server is acting as a server), the service access unit comprising a search engine for searching the central register database (Dutta, Fig. 4, Element 404 and 406, Paragraph 37).

26. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the teachings of Dutta into Daffner. Daffner teaches a service access unit and Dutta also teaches a service access unit, specifically a proxy server to provide better security (Dutta, Paragraph 35, hacker prevention) in the analogous art of computer networking.

27. As per claim 24, Daffner and Dutta teach the method according to claim 21, wherein the services are web services (Dutta, Fig. 4, Element Web page/URL).

28. As per claim 25, Daffner and Dutta teach the method according to claim 21, wherein the communication network is an intranet (Dutta, Paragraph 20).
29. As per claim 26, Daffner and Dutta teach the method according to claim 21, wherein the service access unit provides further services in the communication network (Dutta, Paragraph 36).
30. As per claim 28, Daffner teaches a service access unit for connecting (Daffner, Fig. 1, Elements 1, 5 and 7, Paragraph 42) an automation system (Daffner, Fig. 1, Elements 1-7 represent the automation system, Paragraphs 41 and 42) having automation components (Daffner, Fig. 1, Elements 2, 3, ,4 represent the automation components, Paragraphs 41)to a communication network having internet mechanisms (Daffner, Fig. 1, Element, PSTN/Internet), ... the service access unit comprising a protocol converter for adapting a first communication protocol used by the services to a second communication protocol used by a conventional field bus (Daffner, Fig. 1, Element 1, 5, 7, Paragraphs 8-10 and 42), the automation components lacking internet mechanisms (Daffner, Paragraphs 10, 11, and 42, components 2, 3 and 4 are heat sensors and do not have ability to go on-line), the service access unit operative as one element of the automation system (Daffner, Fig. 1, Element 7, Paragraph 42), the conventional field bus connecting the automation components (Daffner, Fig. 1, Element 5, Paragraph 41), ... and permitting the automation components to access the internet mechanisms of the communications network (Daffner, Fig. 1, Elements 1 and 7, Paragraph 42-47, data retrieved from Elements 2-4 are forwarded to Elements 8, 9), ...

31. Daffner does not teach ... the communication network having a central register database for providing information about the services provided by the communication network , ... wherein the service access unit further operates as a client for requesting services from the communication network, or as a server for providing services in the communication network ... the service access unit further comprising a search engine for searching the central register database.

32. However, Dutta teaches ... the communication network having a central register database for providing information about the services provided by the communication network (Dutta, Fig. 4, Element 406 and 408, Paragraph 37, the search engine database is the central register database for providing information about services), ... wherein the service access unit further operates as a client for requesting services from the communication network (Dutta, Fig. 4, Element 404, 406 and 402, when the proxy server request information from the web server and the search engine, the proxy server is acting as a client), or as a server for providing services in the communication network ... the service access unit further comprising a search engine for searching the central register database(Dutta, Fig. 4, Element 404 and 406, Paragraph 37).

33. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the teachings of Dutta into Daffner. Daffner teaches a service access unit and Dutta also teaches a service access unit, specifically a proxy server to provide better security (Dutta, Paragraph 35, hacker prevention) in the analogous art of computer networking.

34. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daffner, US2002/0120671, in view of Moran, US 2003/0083941.

35. As per claim 27, Daffner and Dutta teach the method according to claim 21 (previously discussed), wherein the services include ...

36. Daffner and Dutta do not teach ... executing a software update of at least one of the automation components. However, Moran teaches ... executing a software update of at least one of the automation components (Moran, Fig. 12, Elements 1203 - 1260, Paragraph 103).

37. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teaching of Moran into Daffner and Dutta.

Since Daffner and Dutta suggest a method and a system of remotely accessing, managing and providing for data, through internet, intranet and other networking solutions, wired or wirelessly and Moran also suggests internet communication, in particular, updating a device driver automatically through the use of internet, hence providing the benefit of remotely delivery of computing solutions in the analogous art of internet communication on a personal computing device.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES C. JIANG whose telephone number is (571)270-7191. The examiner can normally be reached on M-F: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 517-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. C. J./  
Examiner, Art Unit 2416

/William Trost/  
Supervisory Patent Examiner, Art Unit 2416